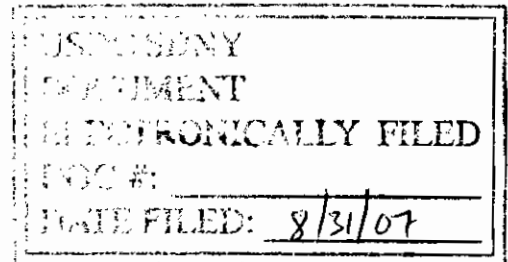


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN re: :
DELTA AIRLINES, et al. :
:
ESSEX HOUSE CONDOMINIUM CORPORATION, : 07 Civ. 6842 (DLC)
MARriott INTERNATIONAL, INC., : ORDER
Appellants, :
:
-v- :
:
DELTA AIRLINES, INC., BANK OF NEW YORK, :
POST-EFFECTIVE DATE COMMITTEE OF DELTA :
AIRLINES, INC., AD HOC COMMITTEE OF :
SENIOR NOTE HOLDERS, :
Appellees. :
:
-----X



DENISE COTE, District Judge:

On July 5, 2007, Essex House Condominium Corporation and Marriott International, Inc. (together "Appellants") appealed a bankruptcy court decision to this Court. The appeal was docketed on July 31. On August 2, the Clerk of Court sent counsel for the parties notice by electronic mail indicating the date of the appeal's docketing and that the appellant's brief was due on August 17.

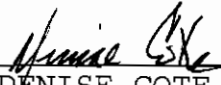
According to Rule 8009(a)(1), Fed. R. Bankr. P., appellants had fifteen days to file and serve their appellate brief. See Seinfeld v. WorldCom, Inc., No. 06 Civ. 13274 (DLC), 2007 WL 987867, at *1 (S.D.N.Y. Apr. 4, 2007). The fifteen-day period by which an appellant from a decision of a bankruptcy court must

file his appellate brief pursuant to Rule 8009(a)(1) "is only triggered once the appeal has been docketed in the district court and notice of the docketing of the appeal has been sent to all parties." In re Enron Corp., 475 F.3d 131, 134 (2d Cir. 2007). In this case, it was triggered on August 2, and appellants' appellate brief was due on August 17. To date, no brief has been filed in this Court. It is hereby

ORDERED that this bankruptcy appeal is dismissed. The Clerk of Court shall close the case.

SO ORDERED:

Dated: New York, New York
August 31, 2007



DENISE COTE
United States District Judge